

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Wheeling**

FAOUZI JABER,

Plaintiff,

v.

CIVIL ACTION No. 5:24-CV-25
Judge Bailey

**WARDEN RAY, ACTING WARDEN
BROWN, OFFICER TITLLE, OFFICER
BROWN, OFFICER POLLS, OFFICER
G. COPELL, OFFICER D. MILLER,
OFFICER CHEAPLEY, LIEUTENANT
CIVIC, T. KEENER, R.N., DR. ADAMS,
OFFICER DICK, GOMEZ, PATRICK
GREAYEN, SMITH, WILLIAMS RAPHAEL,
MR. McCAUL, and MR. VANKRIK,**

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

The above referenced case is before this Court upon the magistrate judge's recommendation that defendants Patrick Greayen and Williams Raphael be dismissed with prejudice and that the claims made against the federal employees proceed. For the reasons that follow, this Court will adopt the R&R.

This Court is charged with conducting a *de novo* review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of


the magistrate judge. *Thomas v. Arn*, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984), *cert. denied*, 467 U.S. 1208 (1984). The report and recommendation was filed on March 21, 2024. See [Doc. 11]. After receiving an extension of time to file his objections, plaintiff filed his objections on April 22, 2024. However, in his objections, plaintiff states that he agrees with the magistrate judge that the claims against defendants Patrick Greayen and Williams Raphael should be dismissed and that the claims made against the federal employees may proceed. See [Doc. 17]. Thus, no objections have been filed in this case.

A *de novo* review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Accordingly, the magistrate judge's report and recommendation [Doc. 11] is **ADOPTED**. The Clerk is **DIRECTED TO STRIKE** Patrick Greayen and Williams Raphael as defendants in this matter.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record herein and to send a copy to plaintiff by certified mail, return receipt requested, to his last known address as shown on the docket.

DATED: April 22, 2024.


JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE